

**CAPTION: Docket No. 2008-0564-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Equistar Chemicals, LP in Brazoria County; RN100210574; for air violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)**



**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0564-AIR-E TCEQ ID: RN100210574 CASE NO.: 35674**  
**RESPONDENT NAME: Equistar Chemicals, LP**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Equistar Chemicals Chocolate Bayou Complex, On Farm-to-Market Road 2917, 12 miles South of Alvin, Brazoria County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0080-AIR-E and 2007-1315-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 1, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> Mr. Douglas R. Mathera, Plant Manager, Equistar Chemicals, LP, Post Office Box 2917, Alvin, Texas 77512     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 21, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 27, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a records review investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, during an emissions event on February 4, 2008 (Incident No. 103330), the following unauthorized emissions were released from the Olefins Main Flare over a period of four hours and 14 minutes: 911.90 pounds ("lbs") of carbon monoxide, 846.29 lbs of volatile organic compounds, and 120.17 lbs of nitrogen oxides. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$7,375</p> <p><b>Total Deferred:</b> \$1,475  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,900</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on February 8, 2008, the Respondent labeled the manual block valve connecting the tower overhead ethylene with the bottom ethane stream with a "Do Not Open" tag and notified appropriate Plant personnel of the correct valve position.</p>

Additional ID No(s): AIR BL01131



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

<b>DATES</b>	<b>Assigned</b>	31-Mar-2008	<b>Screening</b>	4-Apr-2008	<b>EPA Due</b>	22-Dec-2008
	<b>PCW</b>	2-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Equistar Chemicals, LP
<b>Reg. Ent. Ref. No.</b>	RN100210574
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35674	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0564-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Rebecca Johnson
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **220% Enhancement** **Subtotals 2, 3, & 7** **\$5,500**

**Notes** Penalty enhancement due to 15 NOVs issued for same or similar violations, eight NOVs issued for unrelated violations, 2 agreed orders with a denial of liability, and 4 agreed orders without a denial of liability. Penalty reduction due to nine Notices of Intended Audits and one Disclosure of Violations submitted.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **25% Reduction** **Subtotal 5** **\$625**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent completed preventative measures on February 8, 2008.

**Total EB Amounts** **\$0** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$250** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$7,375**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$7,375**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$7,375**

**DEFERRAL** **20% Reduction** **Adjustment** **-\$1,475**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$5,900**

Screening Date 4-Apr-2008

Docket No. 2008-0564-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 35674

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	15	75%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 220%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to 15 NOVs issued for same or similar violations, eight NOVs issued for unrelated violations, 2 agreed orders with a denial of liability, and 4 agreed orders without a denial of liability. Penalty reduction due to nine Notices of Intended Audits and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 220%

Screening Date 4-Apr-2008

Docket No. 2008-0564-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 35674

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, 30 Tex. Admin. Code § 116.115(c), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emissions event on February 4, 2008 (Incident No. 103330), the following unauthorized emissions were released from the Olefins Main Flare over a period of four hours and 14 minutes: 911.90 pounds ("lbs") of carbon monoxide, 846.29 lbs of volatile organic compounds, and 120.17 lbs of nitrogen oxides. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an insignificant amount of pollutants that did not exceed levels that are protective of human health and the environment as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,375

This violation Final Assessed Penalty (adjusted for limits) \$7,375

## Economic Benefit Worksheet

Respondent Equistar Chemicals, LP

Case ID No. 35674

Reg. Ent. Reference No. RN100210574

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	4-Feb-2008	8-Feb-2008	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label the manual block valve connecting the tower overhead ethylene with the bottom ethane stream with a "Do Not Open" tag to prevent the recurrence of emissions events caused by the manual block valve being opened. Date required based on the date of the emissions event. Final date based on the date the preventative measures were completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0



## Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.88
Regulated Entity:	RN100210574	EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 4.80
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0113I	
	AIR OPERATING PERMITS	PERMIT	1287	
	AIR OPERATING PERMITS	PERMIT	2259	
	AIR OPERATING PERMITS	PERMIT	2260	
	AIR OPERATING PERMITS	PERMIT	2261	
	AIR OPERATING PERMITS	PERMIT	2643	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5060	
	AIR NEW SOURCE PERMITS	PERMIT	12467A	
	AIR NEW SOURCE PERMITS	PERMIT	4634B	
	AIR NEW SOURCE PERMITS	PERMIT	18423	
	AIR NEW SOURCE PERMITS	PERMIT	18708	
	AIR NEW SOURCE PERMITS	PERMIT	19480	
	AIR NEW SOURCE PERMITS	PERMIT	19558	
	AIR NEW SOURCE PERMITS	PERMIT	20993	
	AIR NEW SOURCE PERMITS	PERMIT	31081	
	AIR NEW SOURCE PERMITS	PERMIT	35470	
	AIR NEW SOURCE PERMITS	PERMIT	46084	
	AIR NEW SOURCE PERMITS	PERMIT	46418	
	AIR NEW SOURCE PERMITS	PERMIT	48203	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0113I	
	AIR NEW SOURCE PERMITS	REGISTRATION	71973	
	AIR NEW SOURCE PERMITS	PERMIT	52383	
	AIR NEW SOURCE PERMITS	PERMIT	52393	
	AIR NEW SOURCE PERMITS	PERMIT	52392	
	AIR NEW SOURCE PERMITS	REGISTRATION	75622	
	AIR NEW SOURCE PERMITS	REGISTRATION	75407	
	AIR NEW SOURCE PERMITS	REGISTRATION	75391	
	AIR NEW SOURCE PERMITS	AFS NUM	4803900048	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX988	
	AIR NEW SOURCE PERMITS	REGISTRATION	71671	
	AIR NEW SOURCE PERMITS	PERMIT	53893	
	AIR NEW SOURCE PERMITS	PERMIT	53896	
	AIR NEW SOURCE PERMITS	REGISTRATION	72531	
	AIR NEW SOURCE PERMITS	REGISTRATION	73049	
	AIR NEW SOURCE PERMITS	REGISTRATION	74126	
	AIR NEW SOURCE PERMITS	REGISTRATION	73612	
	AIR NEW SOURCE PERMITS	REGISTRATION	74624	
	AIR NEW SOURCE PERMITS	REGISTRATION	74627	
	AIR NEW SOURCE PERMITS	REGISTRATION	74623	
	AIR NEW SOURCE PERMITS	REGISTRATION	76666	
	AIR NEW SOURCE PERMITS	REGISTRATION	77176	
	AIR NEW SOURCE PERMITS	REGISTRATION	77842	
	AIR NEW SOURCE PERMITS	REGISTRATION	78280	
	AIR NEW SOURCE PERMITS	REGISTRATION	78395	
	AIR NEW SOURCE PERMITS	REGISTRATION	78399	
	AIR NEW SOURCE PERMITS	REGISTRATION	78613	
	AIR NEW SOURCE PERMITS	REGISTRATION	78775	
	AIR NEW SOURCE PERMITS	REGISTRATION	78332	
	AIR NEW SOURCE PERMITS	REGISTRATION	79182	
	AIR NEW SOURCE PERMITS	REGISTRATION	80551	
	AIR NEW SOURCE PERMITS	REGISTRATION	81006	
	AIR NEW SOURCE PERMITS	REGISTRATION	81168	
	AIR NEW SOURCE PERMITS	REGISTRATION	81170	
	AIR NEW SOURCE PERMITS	REGISTRATION	81379	
	AIR NEW SOURCE PERMITS	REGISTRATION	82187	
	AIR NEW SOURCE PERMITS	REGISTRATION	83415	
	AIR NEW SOURCE PERMITS	REGISTRATION	82976	
	AIR NEW SOURCE PERMITS	PERMIT	83777	
	AIR NEW SOURCE PERMITS	REGISTRATION	82916	
	AIR NEW SOURCE PERMITS	REGISTRATION	84428	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200493	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980627137	

INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32212
USED OIL	ID NUMBER	HOU00063
WATER LICENSING	LICENSE	0200493
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50057
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	32212

Location: ON FM 2917, 12 MILES SOUTH OF ALVIN, TEXAS Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 31, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 31, 2003 to March 31, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/11/2004

ADMINORDER 2002-0886-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC13 PERMIT

Description: Failed to operate below the maximum liquid flow rate of 12 gallons per minute to the Wet Air Oxidizer (83 exceedances noted between January 2001 and April 9, 2002) and below the maximum benzene by weight concentration of 100 parts per million (6 exceedances noted between March and April 2002).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failed to meet VOCs emission limitations of 7.76 tpy as specified in the permit's Maximum Allowable Emission Rate Table ("MAERT"). Emissions from EPN 318Z3 in the Methyl Tertiary Butyl Ether ("MTBE")/Butadiene Unit were 8.75 tpy in 1999 and 8.13 tpy in 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failed to meet particulate matter emission limitations of .09 tpy as specified in the permit's MAERT. Emissions from EPN 81H2 MTBE/Butadiene Unit were. 0.1 tpy in 1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8A PERMIT

Description: Failed to route the waste gas streams from the pressure relief valve located on the Butadiene column to the flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 3 PERMIT

Description: Failed to monitor the VOCs associated with the outlet cooling tower water samples.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Failure to monitor and record speciated VOCs associated with the cooling tower water samples in January and April 2000.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct quarterly fugitive monitoring of valves 677, 678, 679, 680, and ISA 230 which are subject to HON.

**Effective Date: 11/18/2006**

**ADMINORDER 2006-0495-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit #4634B, SC1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit No. 4634B PERMIT

Description: Failure to prevent an avoidable emission event.

**Effective Date: 03/19/2007**

**ADMINORDER 2006-1066-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to comply with permitted emission limits at the F Street Separator (EPN 316S2) and allowing unauthorized emissions at the F Street oily water sewer area. The emission event resulted from the backflow of VOC-laden wastewater from the F Street Separator sump into system piping

**Effective Date: 06/29/2007**

**ADMINORDER 2006-1713-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Equistar failed to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Equistar failed to maintain an emission rate below the allowable emission limits.

**Effective Date: 08/31/2007**

**ADMINORDER 2007-0039-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No.19558, SC1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on April 20, 2004. Since the emissions event was avoidable, not properly reported, and determined to be excessive, Equistar was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the April 20, 2004 emissions event within twenty-four hours after discovery.

**Effective Date: 09/21/2007**

**ADMINORDER 2007-0132-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005, in violation of Air Permit No. 4634B, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Since the emissions event was determined to be excessive and avoidable, Equistar Chemicals, LP was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/08/2003	(24581)
2	05/09/2003	(28798)
3	06/09/2003	(9797)
4	06/27/2003	(113049)
5	07/10/2003	(112566)
6	07/10/2003	(113014)
7	07/10/2003	(113045)
8	08/26/2003	(150306)
9	08/29/2003	(27215)
10	08/30/2003	(140878)
11	10/17/2003	(249037)
12	10/17/2003	(249046)
13	05/12/2004	(269260)
14	07/19/2004	(278402)
15	07/23/2004	(250413)
16	10/12/2004	(293360)
17	10/26/2004	(338100)
18	11/04/2004	(339181)
19	11/22/2004	(341169)
20	11/22/2004	(341024)
21	11/22/2004	(341355)
22	11/22/2004	(341236)
23	11/22/2004	(341016)
24	11/22/2004	(341455)
25	11/29/2004	(289697)
26	11/30/2004	(259259)
27	12/28/2004	(344869)
28	12/30/2004	(344993)
29	12/31/2004	(345634)
30	01/07/2005	(344601)
31	01/19/2005	(345344)
32	01/31/2005	(347433)
33	03/15/2005	(371378)
34	03/16/2005	(373784)
35	03/18/2005	(373943)
36	04/14/2005	(377117)
37	05/02/2005	(379552)
38	05/09/2005	(293362)
39	05/19/2005	(371475)
40	06/21/2005	(375806)
41	06/22/2005	(375761)
42	06/22/2005	(375724)
43	07/08/2005	(397149)
44	07/14/2005	(376596)
45	07/25/2005	(400224)
46	08/09/2005	(376612)
47	08/25/2005	(399824)
48	08/31/2005	(418596)
49	08/31/2005	(418729)
50	09/29/2005	(375003)
51	12/01/2005	(437309)
52	12/12/2005	(435274)
53	12/12/2005	(435301)
54	02/16/2006	(454291)
55	02/28/2006	(452437)
56	03/17/2006	(457658)
57	04/26/2006	(459338)

58	05/11/2006	(289782)
59	05/23/2006	(463924)
60	05/30/2006	(466880)
61	06/14/2006	(480490)
62	06/23/2006	(457277)
63	06/29/2006	(484154)
64	06/30/2006	(483594)
65	08/04/2006	(482173)
66	08/16/2006	(484908)
67	08/18/2006	(487675)
68	09/01/2006	(497420)
69	09/11/2006	(490208)
70	09/29/2006	(508950)
71	10/19/2006	(511684)
72	10/31/2006	(516242)
73	11/16/2006	(517613)
74	11/29/2006	(274682)
75	12/05/2006	(518249)
76	01/10/2007	(455112)
77	02/05/2007	(533849)
78	02/14/2007	(532591)
79	02/22/2007	(539187)
80	03/06/2007	(532588)
81	03/09/2007	(497404)
82	03/09/2007	(497419)
83	04/05/2007	(532553)
84	04/11/2007	(555128)
85	05/10/2007	(532583)
86	05/10/2007	(532558)
87	05/14/2007	(557851)
88	05/14/2007	(540652)
89	05/31/2007	(559803)
90	06/28/2007	(560611)
91	06/29/2007	(560739)
92	07/11/2007	(559739)
93	07/26/2007	(567221)
94	07/27/2007	(562772)
95	07/27/2007	(562784)
96	07/27/2007	(562723)
97	07/30/2007	(562873)
98	08/09/2007	(570952)
99	08/10/2007	(562972)
100	08/10/2007	(562866)
101	08/10/2007	(563354)
102	08/13/2007	(565934)
103	08/29/2007	(571670)
104	08/29/2007	(573407)
105	09/28/2007	(596091)
106	10/03/2007	(564509)
107	10/03/2007	(564369)
108	10/12/2007	(571882)
109	10/15/2007	(571929)
110	10/15/2007	(571925)
111	10/15/2007	(572110)
112	10/16/2007	(597981)
113	10/18/2007	(569970)
114	10/19/2007	(571364)
115	11/16/2007	(572853)
116	11/16/2007	(608892)
117	11/28/2007	(599650)
118	12/07/2007	(610526)
119	01/04/2008	(571695)
120	01/07/2008	(610603)
121	01/24/2008	(610702)
122	01/28/2008	(613356)
123	01/30/2008	(613977)
124	02/27/2008	(618557)
125	02/29/2008	(615621)
126	03/04/2008	(613495)
127	03/27/2008	(638802)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date:** 05/08/2003 (24581)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
**Description:** Equistar failed to control propylene emissions during process operations in the Olefins Unit.

**Date:** 08/29/2003 (27215)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
**Description:** Equistar failed to notify the commission after discovery of an emissions event.

**Date:** 08/30/2003 (140878)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
**Description:** Failure to submit an initial notification after the discovery of an reportable emissions event.

**Date:** 11/22/2004 (341024)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PERMIT 4634B, S.C. No.1  
**Description:** Failure to minimize the emissions with in MAERT.

**Date:** 11/22/2004 (341355)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
**Description:** Failure to submit the initial notification of the emissions event (Incident #44588) within 24 hours after the start of incident.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PERMIT 19480, S.C.No.1  
**Description:** Failure to prevent the PSV from lifting and causing the release of air pollutants to the atmosphere

**Date:** 11/22/2004 (341455)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
**Description:** Failure to submit the initial notification of the emissions event (Incident #45190) within 24 hours after the start of incident.

**Date:** 12/30/2004 (344993)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PERMIT TCEQ Permit #4634B, Special Condition #1  
**Description:** Failure to control unauthorized emissions.

**Date:** 12/30/2004 (345344)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Description:** Failure to control excess opacity.

**Date:** 12/31/2004 (345634)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Description:** Failed to control excess opacity.

**Date:** 12/12/2005 (435274)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)

	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to equip open-ended lines in HAP service with plugs or caps. The percentage of the open-ended lines in HAP was 3%.		
	Failure to equip open-ended lines in HAP service with plugs or caps.		
	Failure to equip open-ended lines in HAP service with plugs or caps.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from the benzene wastewater separator (90S4) under NESHAP Subpart FF.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to maintain the daily weighted average VOC emission limit of 3.5 lbs VOC/gallon for the coating of miscellaneous metal parts and products in the paint yard on three occasions during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to conduct the required performance test under 30 TAC 117 within 60 days of the modification to Boiler (391H1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.219(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to submit a copy of the RATA test reports for boilers (391H1 & 391H2) to the Office of Compliance and Enforcement for testing that was conducted on April 27 & 29, 2004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	PERMIT NSR 18708, SC 1		
	OP O-02259, SC 15		
Description:	Failure to maintain the maximum firing rate of 600 MM Btu/hr on the boiler (391H1) during the RATA test conducted on May 5, 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)(2)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to perform a five-day first repair attempt on Pump 316P28 in the Utilities Unit.		
<b>Date:</b>	<b>12/12/2005</b>	<b>(435301)</b>	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)		
Description:	Failure to monitor 2265 connectors during 1Q of 2004 and 2716 connectors during 3Q of 2004 in the fugitive area of FDISTARO. Failure to monitor 118 connectors during 1Q of 2004, and 915 connectors during 2Q and 3Q of 2004 in the fugitive area of FDISTISO. Failure to monitor six connectors during 2Q of 2004 in the fugi		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
Rqmt Prov:	PERMIT NSR 19480, SC 4E		
	OP O-02260, SC 1A		
	OP O-02260, SC 20		
Description:	Failure to equip five open-ended lines in HAP (hazardous air pollutant) service with plugs or caps in the fugitive area of FDISTISO. The percentage of open-ended line in HAP was 0.2%.		
Self Report?	NO	Classification:	Moderate

Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
Rqmt Prov:	PERMIT NSR 19480, SC 4E OP O-02260, SC 1A OP O-02260, SC 20		
Description:	Failure to equip four open-ended lines in VOC service with plugs or caps in the fugitive area of FISOPREN.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)		
Rqmt Prov:	PERMIT NSR 19480, SC 4F OP O-02260, SC 1A OP O-2260, SC 20		
Description:	Failure to conduct quarterly monitoring on a valve during 1st quarter and 2nd quarter of 2004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(I)		
Rqmt Prov:	OP O-02260, SC 1A		
Description:	Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from overhead accumulators (86T1VENT and 86T8VENT) off columns in the Aromatics Unit under HON.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)		
Rqmt Prov:	OP O-02260, SC 1A		
Description:	Failure to monitor two pumps during April, May, and June of 2004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164		
Rqmt Prov:	OP O-02260, SC 1A		
Description:	Failure to meet fugitive emissions standards for Compressors 22C1 and 86C1.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)		
Rqmt Prov:	PERMIT NSR 19480, SC 4F OP O-02260, SC 1A OP O-02260, SC 20		
Description:	Failure to tag and monitor valves and connectors associated with Compressor 22C1.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)		
Rqmt Prov:	OP O-02260, SC 1A		
Description:	Failure to perform a five-day first repair attempt on a valve in the Aromatics/Isoprene Unit.		
Date:	02/28/2006 (452437)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
Rqmt Prov:	PERMIT NSR 19558, SC 2E PERMIT NSR 20993, SC 9E OP O-02261, SC 1A & 13		
Description:	Complex failed to equip eight open-ended lines in hazardous air pollutant (HAP) with a plug		



or cap in the fugitive area BDFUG, and also failed to equip two open-ended lines in HAP with a plug or cap in the fugitive area MTBEFUG.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)		
Rqmt Prov:	OP O-02261, SC 1A		
Description:	Bayou Complex failed to submit a required semiannual report by July 23, 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)		
Rqmt Prov:	OP O-02261, SC 1A		
Description:	Bayou Complex failed to monitor four pumps during July of 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)(1)		
Rqmt Prov:	OP O-02261, SC 1A		
Description:	Complex failed to de-inventory the associated tank 320T802 by August 30, 2005 to repair the leaking flange on the associated pump 320P802.		
 <b>Date: 06/23/2006 (457277)</b>			
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP Title V O-01287, SC 1A		
Description:	Equistar failed to meet the minimum Btu requirement of 300 Btu/scf on two occasions for the main flare (319Z4).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR 4634B, SC 19E OP Title V O-01287, SC 1A and 14		
Description:	Equistar failed to equip three open-ended lines with caps or plugs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR 4634B, SC 19E OP Title V O-01287, SC 1A and 14		
Description:	Equistar failed to equip one open-ended line with a cap or plug.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR 4634B, SC 19E OP Title V O-01287, SC 1A and 14		
Description:	Equistar failed to equip two open-ended lines with caps or plugs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR 4634B, SC 19E OP Title V O-01287, SC 1A and 14		
Description:	Equistar failed to equip two open-ended lines with caps or plugs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(B) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 122, SubChapter B 122.143(4)		

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 1A  
Description: Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 1A  
Description: Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 1A  
Description: Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-1287, SC 1A  
Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 1A  
Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 1A  
Description: Equistar failed to make a first attempt to repair leaks no later than one business day and to repair the leaks no later than seven calendar days after the leaks were detected over 10,000 ppmv for fourteen leaking components.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT NSR 4634B, SC 19E  
OP Title V O-01287, SC 1A, 1D, and 14  
Description: Equistar failed to equip five open-ended lines with plugs/caps.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT NSR 4634B, SC 19H  
OP Title V O-01287, SC 1A and 14  
Description: Equistar failed to repair the leak within the required time frame.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-01287, SC 14  
Description: Equistar failed to submit a Permit by Rule (PBR) application within ten days of the

modification to the main flare (319Z4).

**Date:** 09/11/2006 (490208)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Permit No. 4634B

Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the flare.

**Date:** 10/31/2006 (516242)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Permit No. 19558, SC #1

Description: Equistar failed to prevent a PSV from lifting during a process transfer.

**Date:** 11/16/2006 (517613)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 19558, Special Condition No. 1

Description: Failure to prevent a pinhole leak on piping.

**Date:** 03/06/2007 (532588)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02259, SC 1A

Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

**Date:** 03/09/2007 (497404)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)

Description: RE failed to conduct a CEMS or PEMS performance evaluation 60 days after startup of a unit following installation of emissions controls

**Date:** 03/09/2007 (497419)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)

Description: The Regulated Entity (RE) failed to conduct a CEMS or PEMS performance evaluation within 60 days after startup of a unit following installation of emissions controls.

**Date:** 04/06/2007 (532553)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01287, SC 1A

Description: Failure to comply with the operational restrictions identified in 30 TAC 117.206 for diesel engines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01287, SC 1A

Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01287, SC 1A

PERMIT Permit 4634B, SC 19E

Description: Failure to plug/cap all open ended lines.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-01287, SC 1A  
Description: Failure to observe operational and emissions testing requirements for the diesel engines.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-01287, SC 1A  
Description: Failure to submit a PBR within 10 days of the modification to authorize the increase in emissions.

Date: 05/08/2007 (532583)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02261  
PA Permit 19558, SC 2E  
Description: Failure to plug/cap all open-ended lines.

Date: 05/10/2007 (532558)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02260, SC 1A  
PERMIT Permit 19480, SC 4E  
Description: Failure to plug/cap all open-ended lines.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02260, SC 1A  
PERMIT Permit 19480, SC 4H, 4I  
Description: Failure to repair a pump seal leak within 15 days.

Date: 05/17/2007 (557851)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PA TCEQ AIR NSR Permit #19480, SC#1  
Description: Equistar failed to close a PSV bypass valve prior to a startup.

F. Environmental audits.

Notice of Intent Date: 02/09/2005 (371579)

Disclosure Date: 06/09/2005

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(5)

Description: Failure to maintain leak records.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)

Description: Failure to maintain leak tags.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)

Description: Failure to conduct monitoring.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(b)

Description: Failure to seal an open ended line.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: Failed to make first repair attempt within 5 day of detecting a leak.

**Notice of Intent Date:** 02/23/2005 (372354)

No DOV Associated

**Notice of Intent Date:** 11/28/2006 (534468)

No DOV Associated

**Notice of Intent Date:** 07/31/2007 (593638)

No DOV Associated

**Notice of Intent Date:** 08/03/2007 (593644)

No DOV Associated

**Notice of Intent Date:** 08/31/2007 (593647)

No DOV Associated

**Notice of Intent Date:** 08/31/2007 (597999)

No DOV Associated

**Notice of Intent Date:** 09/27/2007 (610320)

No DOV Associated

**Notice of Intent Date:** 01/11/2008 (636090)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100210574**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0564-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant on Farm-to-Market Road 2917, 12 miles South of Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Three Hundred Seventy-Five Dollars (\$7,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Nine Hundred Dollars (\$5,900) of the administrative penalty and One Thousand Four Hundred Seventy-Five Dollars (\$1,475) is





deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on February 8, 2008, the Respondent labeled the manual block valve connecting the tower overhead ethylene with the bottom ethane stream with a "Do Not Open" tag and notified appropriate Plant personnel of the correct valve position.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008. Specifically, during an emissions event on February 4, 2008 (Incident No. 103330), the following unauthorized emissions were released from the Olefins Main Flare over a period of four hours and 14 minutes: 911.90 pounds ("lbs") of carbon monoxide, 846.29 lbs of volatile organic compounds, and 120.17 lbs of nitrogen oxides. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.



### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2008-0564-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John Sullivan*  
For the Executive Director

8/8/08  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*D. R. Mathera*  
Signature

6-18-08  
Date

Douglas R. Mathera  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

Plant Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

2000

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